

Docket No. 12875/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : R. Vesely *et al.*

SERIAL NO. : 10/644,787

FILED : August 21, 2003

FOR : STRAINS OF BACTERIA AND PHARMACEUTICAL
COMPOSITION CONTAINING ONE OR MORE OR
SUCH STRAINS AND USE OF SAME FOR
PREVENTING AND TREATING DISEASES
ASSOCIATED WITH OR CAUSED BY ALTERED
METABOLISM OF BILE ACIDS

GROUP ART UNIT : Unassigned

EXAMINER : Unassigned

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. 1.47 AND DECLARATION BY ZEBALI

SIR:

I, Zebali, hereby declare that I sent a declaration for execution to co-inventor Claudio De Simone on March 3, 2004 at his last known address of Via Nuoro 10, 10040 Ardea, Italy. On March 15, 2004, I received a letter from Victor N. Balancia, who I understand is legal counsel for Claudio De Simone, expressing indicating that Claudio De Simone would not sign a declaration in the present application. Accordingly, Applicant Marco Vesely has reason to believe that Claudio De Simone will not join in the present application and therefore the present application is being made by Marco Vesely on behalf of himself and Claudio De Simone.

05/06/2004 BABRAHA1 00000064 110600 10644787

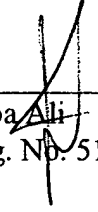
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The Office is authorized to charge the petition fee under §1.17(h), and any other fees, to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Date: March 22 2001



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Serial No.: 10/644,787

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor or legal representative of a deceased inventor, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe, or upon information and belief, believe that Renata Maria Anne Cavaliere Vesely and Claudio De Simone are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **STRAINS OF BACTERIA AND PHARMACEUTICAL COMPOSITION CONTAINING ONE OR MORE OF SUCH STRAINS AND USE OF SAME FOR PREVENTING AND TREATING DISEASES ASSOCIATED WITH OR CAUSED BY ALTERED METABOLISM OF BILE ACIDS.**

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge the duty to disclose all information known to us which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventors' certificate listed below and have also identified below any foreign application for patent or inventors' certificate having a filing date before that of the application on which priority is claimed.

Italian Application No. MI96A000468 filed March 11, 1996

We hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, We acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial

Filed

09/796,432

March 2, 2001

Docket No.: 12875/1
Serial No.: 10/644,787

08/813,776

March 7, 1997 now U.S. Patent 6,225,104

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

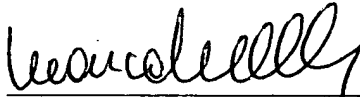
We hereby appoint the attorneys of law firm Kenyon and Kenyon, including Zeba Ali, as identified by the following customer number, with full power to prosecute the instant application, to make alterations and amendments therein, to receive the patent, and to transact all business before the Patent and Trademark Office connected therewith:

23838

Please address all correspondence to the law firm of Kenyon & Kenyon, attention Zeba Ali, who can be reached at (202) 220-4265.

Full Name of First Inventor: **RENATA MARIA ANNA CAVALIERE VESELY**

Full Name of Heir and Legal Representative of First Inventor: **MARCO VESELY**

Legal Representative's signature  Date 10 FEB 2004

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Full name of second joint inventor: **CLAUDIO DE SIMONE**

Inventor's signature _____ Date _____

Residence: Via Nuoro 10, 100040 Ardea Italy

Citizenship: Italy

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